

Maine Revised Statutes

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Title 34-A: CORRECTIONS

Chapter 1: GENERAL PROVISIONS

Subchapter 5: STATE BOARD OF CORRECTIONS

§1803. Board responsibilities and duties

The board is charged with the following responsibilities and duties. [2007, c. 653, Pt. A, §30 (NEW).]

1. Manage the cost of corrections. The board shall develop a plan to achieve systemic cost savings and cost avoidance throughout the unified correctional system with the goal of operating efficient correctional services. Additionally, the board shall:
 - A. Set and enforce a yearly growth limitation for the correctional services expenditures in each county budget under Title 30-A, section 710; [2007, c. 653, Pt. A, §30 (NEW).]
 - B. Develop reinvestment strategies within the unified correctional system to improve services and reduce recidivism; [2009, c. 391, §11 (AMD).]
 - C. Establish boarding rates for the unified correctional system, except boarding rates for federal inmates; and [2009, c. 391, §12 (AMD).]
 - D. Review department biennial and supplemental budget proposals affecting adult correctional and adult probation services and submit recommendations regarding these budget proposals to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. [2009, c. 391, §13 (NEW).]
[2007, c. 653, Pt. A, §30 (NEW); 2009, c. 391, §§11-13 (AMD) .]
2. Determine correctional facility use and purpose. The board shall:
 - A. Determine individual correctional facility and county jail use, including the location of specialty units, which may include medical, mental health, women's and substance abuse units, other specialty units and housing of pretrial and sentenced populations; [2007, c. 653, Pt. A, §30 (NEW).]
 - B. Review staffing levels at each correctional facility and county jail to ensure that safe conditions exist for staff, inmates and others; and [2007, c. 653, Pt. A, §30 (NEW).]
 - C. Review the use of all correctional facilities and county jails. The board may downsize or close facilities or reassign services. The board shall adopt rules governing the process and standards for closing or downsizing a correctional facility or a county jail, including criteria to be evaluated and stakeholders to be consulted. Rules adopted pursuant to this paragraph are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. [2007, c. 653, Pt. A, §30 (NEW).]
[2007, c. 653, Pt. A, §30 (NEW) .]
3. Adopt treatment standards and policies. The board shall:

A. Adopt standards for consistent systemwide pretrial, revocation and reentry practices; [2007, c. 653, Pt. A, §30 (NEW).]

B. Adopt standards for the treatment of inmates with mental illness within correctional facilities and county jails, and in consultation with the State Forensic Service, adopt policies for facilitating the performance of court-ordered mental health evaluations within correctional facilities and county jails when appropriate; and [2007, c. 653, Pt. A, §30 (NEW).]

C. Coordinate transportation of inmates in the unified correctional system. [2007, c. 653, Pt. A, §30 (NEW).]

[2007, c. 653, Pt. A, §30 (NEW) .]

4. Certificate of need. The board shall review and may approve any future public or private construction projects. The board shall establish a certificate of need process used for the review and approval of any future public or private capital correctional construction projects. A public or private correctional construction project may not be undertaken unless the board issues a certificate of need in support of that project. The board shall adopt rules governing the procedures relating to the certificate of need process and financing alternatives. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

[2009, c. 391, §14 (AMD) .]

5. Administrative duties. The board shall:

A. Identify opportunities for and approve cost-saving agreements and efficiencies, including, but not limited to, purchasing or contract agreements, shared staff and staff training, transportation and technology initiatives. Any opportunities identified by the board must be included and discussed in the board's reports to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters as required under subsection 10; [2007, c. 653, Pt. A, §30 (NEW).]

B. Consult with the State Sentencing and Corrections Practices Coordinating Council established in Title 5, section 12004-I, subsection 74-E and other groups, make recommendations related to sentencing and sentencing-related practices by other state and local government entities to the State Sentencing and Corrections Practices Coordinating Council for its consideration and utilize research and reports, including those issued by the Corrections Alternatives Advisory Committee, which was established by Public Law 2005, chapter 386, Part J, section 1 and amended by Public Law 2005, chapter 667; [2007, c. 653, Pt. A, §30 (NEW).]

C. Assist correctional facilities and county jails when appropriate to establish, achieve and maintain professional correctional accreditation standards; [2007, c. 653, Pt. A, §30 (NEW).]

D. Administer the County Jail Prisoner Support and Community Corrections Fund established in section 1806 and the State Board of Corrections Investment Fund program established in section 1805. The board may allocate available funds from the State Board of Corrections Investment Fund program to meet any emergency expenses or for maintenance in emergency conditions of any correctional facility or county jail. The board may make allocations for these purposes only upon written request of the commissioner or a county; [2009, c. 213, Pt. GGG, §3 (AMD); 2009, c. 213, Pt. GGG, §7 (AFF).]

E. Prepare and submit to the Governor a budget for the State Board of Corrections Investment Fund program established in section 1805 biennially that clearly identifies the financial contribution required by the State to support the actual costs of corrections in addition to the capped property tax contribution under Title 30-A, section 701, subsection 2-A. The board shall also propose in its budget an appropriation to the State Board of Corrections Investment Fund program of an amount equal to the difference between the 2007-08 fiscal year's county jail debt and the amount of that year's debt payment; and [2009, c. 213, Pt. GGG, §4 (AMD); 2009, c. 213, Pt. GGG, §7 (AFF).]

F. Promote and support the use of evidence-based practices. [2007, c. 653, Pt. A, §30 (NEW).]

[2007, c. 653, Pt. A, §30 (NEW); 2009, c. 213, Pt. GGG, §§3, 4 (AMD); 2009, c. 213, Pt. GGG, §7 (AFF) .]

6. Receive and review recommendations. The board shall receive and review recommendations submitted by the commissioner, the counties, the corrections working group established in section 1804 or other interested parties concerning development of downsizing plans and reinvestment strategies,

uniform practices for pretrial, inmate classification, revocation and reentry services, and other recommendations with respect to the delivery of state and county corrections services. The board shall consult with and seek input from prosecutors; defense attorneys; judges; advocates for victims; providers and advocates who work with persons with mental illness; and other interested parties.

[2007, c. 653, Pt. A, §30 (NEW) .]

7. Authority limited. The board does not have authority to exercise jurisdiction over inmate grievances, labor negotiations or contracts, including personnel rules negotiated as part of any collective bargaining agreement, or any aspect of the operation of detention facilities or the administration of juvenile community corrections services.

[2007, c. 653, Pt. A, §30 (NEW) .]

8. Rulemaking. The board may adopt rules necessary to implement this section. Unless otherwise indicated, rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[2007, c. 653, Pt. A, §30 (NEW) .]

9. Appeals. Only the department or a county aggrieved by a final decision of the board is entitled to judicial review pursuant to Title 5, section 11001. Such review must be limited to errors of law.

[2007, c. 653, Pt. A, §30 (NEW) .]

10. Reporting. The board shall make initial reports to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 15, 2009 and by April 1, 2009. Thereafter, the board shall report at least annually, beginning January 15, 2010, and as requested. Reports must include any recommendations for amending laws relating to the unified correctional system or the board.

[2007, c. 653, Pt. A, §30 (NEW) .]

11. Committee review. The joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters shall conduct an initial review by April 1, 2009 and annually by January 15th thereafter to analyze the effectiveness of the board in fulfilling its purposes, including but not limited to a review of the board's identification of opportunities for and agreements regarding cost savings and efficiencies in purchasing, training, transportation and technology. The committee has authority to report out legislation upon completing its review each year.

[2007, c. 653, Pt. A, §30 (NEW) .]

SECTION HISTORY

2007, c. 653, Pt. A, §30 (NEW). 2009, c. 213, Pt. GGG, §§3, 4 (AMD). 2009, c. 391, §§11-14 (AMD). 2009, c. 213, Pt. GGG, §7 (AFF).

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